

REMARKS

The present amendment is in response to the Office Action dated June 29, 2007. Claims 24, 27-39, 41, and 43-55 are now present in this case. No claims are amended. No claims are canceled. No new claims have been added.

Claims 24, 27, 29-39, 43-49, 51, and 53-54 stand rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,061,570 to Janow combined with U.S. Patent No. 5,784,001 to Deluca et al., and U.S. Patent No. 6,212,550 to Segur. The applicants respectfully traverse this rejection and request reconsideration.

“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” (35 U.S.C. § 103(c)(1).)

Previous Office Actions have identified Janow as 102(e) prior art. (see e.g., Office Action mailed Feb. 23, 2005, page 3). The applicants do not believe that Janow qualifies as prior art under 35 U.S.C. §102(a) or (b).

Statement of Common Ownership

The instant application 10/644,641 and U.S. Patent No. 6,061,570 (Janow) were, at the time the invention of application 10/644,641 was made, owned by AT&T Corporation. Janow was assigned directly to AT&T Corporation at the time the invention of application 10/644,641 was made. The instant application 10/644,641 was assigned to AT&T Wireless Services, Inc., a wholly owned subsidiary of AT&T Corporation, at the time the invention of application 10/644,641 was made.

Thus U.S. Patent No. 6,061,570 (Janow) cannot be used as reference to make §103 rejections. For at least this reason, the applicants believe that the rejections of Claims 24, 27, 29-39, 43-49, 51, and 53-54 have been overcome.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a good faith effort to place all claims in condition for allowance. If questions remain

regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,
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